

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Criminal No. 06-cr-071-02-SM

Edward L. Brown

O R D E R

Defendant, Edward L. Brown, has filed a "motion for notice to appeal." The motion is construed as one seeking to enlarge the time in which to appeal. This court is without jurisdiction to grant that relief as the motion is filed well beyond forty (40) days after the entry of judgment in the criminal case. See Fed. R. App. P. 4(b)(4); United States v. Rapoport, 159 F.3d 1 (1st Cir. 1998). Defendant already filed a direct appeal in this case, which appeal was dismissed by the United States Court of Appeals for the First Circuit due to defendant's failure to prosecute it.

The motion (document no. 229) is denied.

SO ORDERED.


Steven J. McAuliffe
Chief Judge

February 4, 2008

cc: William E. Morse, Esq.
Edward L. Brown, pro se
U.S. Probation
U.S. Marshal